

Report of the Head of Planning & Enforcement

Address 65 BELMONT ROAD UXBRIDGE

Development: Continued use of premises as Class D1 (Non- Residential Institutions) for use as an educational, training and rehabilitation centre.

LBH Ref Nos: 13326/APP/2009/1876

Drawing Nos: Location Plan
Proposed ground floor plan
Proposed first floor plan
Design and access statement
Planning statement
Risk assessment

Date Plans Received: 27/08/2009 **Date(s) of Amendment(s):** 27/08/0009

Date Application Valid: 09/09/2009

1. **SUMMARY**

On 12 November 2008, the Council approved permission for the premises at 65 Belmont Road to be used for Class D1 (non residential institution) purposes (reference: 13326/APP/2008/2301).

The Class D1 use which was approved to be undertaken at the site use was a structured day care drug rehabilitation programme.

Condition 1 of that consent required that the use be discontinued on or before 12 November 2009.

The applicant now seeks planning permission to continue the use of the site as a place to undertake a structured day care drug rehabilitation programme.

The Council has not received any complaints in relation to the operation of the site over the previous 12 months period.

The Metropolitan Police and the Council's Community Safety Manager have raised no objection to the continued use of the site as place to undertake a structured day care drug rehabilitation programme.

The application accords with Council policy and subject to conditions approval is recommended.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 T8 **Time Limit - full planning application 3 years**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 HLC5 Industrial and Commercial Development

Unless otherwise agreed in writing with the Local Planning Authority, no persons other than staff shall be permitted to be on the premises except between the hours of 09.30 and 17.00 Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans and details hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 NONSC Parking to be retained and maintained

The approved parking areas for 5 cars shall be retained for the sole use of the occupants of the development and thereafter be permanently retained and used for no other purpose.

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

5 NONSC Retention of cycle storage

The covered and secure cycle storage facilities provided on the site in accordance with permission 13326/APP/2009/258 shall be permanently retained on site and be kept available for the use of cyclists.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

6 NONSC Retention of CCTV

The Circuit Television (CCTV) installed at the site in accordance with permission 13326/APP/2009/258 shall be permanently retained on site.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in Circular 5/94 'Planning Out Crime' and the Council's SPG on Community Safety By Design.

7 NONSC Retention of boundary treatment

The boundary treatment installed at the site in accordance with permission 13326/APP/2009/258 shall be permanently retained on site.

REASON

To safeguard the visual amenities of the area in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 NONSC Retention of safety measures

The measures and processes (identified in the risk management assessment) implemented at the site in accordance with permission 13326/APP/2009/258 shall be permanently retained on site.

The risk management assessment must be reviewed annually, on the anniversary of the date of this consent, and details of the findings of the review and any proposed changes to the risk management assessment submitted to and agreed in writing by the Local Planning Authority.

REASON

To ensure that the amenity of the occupiers of neighbouring properties is not adversely affected in accordance with policies OE3, BE19 and BE24 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

INFORMATIVES

1 152 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 153 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.

R10	Proposals for new meeting halls and buildings for education, social, community and health services
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
OE1	Protection of the character and amenities of surrounding properties and the local area

3 134 Building Regulations 'Access to and use of buildings'

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from www.drc-gb.org.
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a two storey end of terrace property with a floor area of approximately 134sqm located on the corner of Belmont Road and Lancaster Road. The site is located within the Uxbridge Town Centre boundary.

The area immediately surrounding the site is mixed in character comprising shops and service uses fronting Belmont Road to the south-west, residential properties to the north-east in Belmont Road and Lancaster Road and Hermitage Nursery School to the north-west in Bennetts Yard.

The site is in close proximity to Uxbridge Underground and Bus Station and has a Public Transport Accessibility Level (PTAL) score of 5 on a scale of 1 - 6 where 6 represents the highest level of accessibility.

3.2 Proposed Scheme

The application seeks permanent planning permission to continue to use the premises at 65 Belmont Road as Class D1 (Non-residential institutions) for a service as part of a structured day care drug rehabilitation programme.

No changes are proposed to the layout of the premises. Floor plans show that the ground floor is used as the main reception and office area with pedestrian access from Belmont Road. Also on the ground floor is a communal area / meeting room and an interview room. On the first floor there are 2 further meeting rooms, an IT suite and a therapeutic room.

Fencing exists around a part of the rear yard to provide for an enclosed outside smoking area.

The applicant has indicated that a total of 7.5 full time equivalent staff would be employed at the premises between the hours of 09.00 and 17.00 Monday to Friday with the Class D1 use operating between the hours of 10.00 and 15.00.

The site has the benefit of 5 on-site car parking spaces at the rear of the site with vehicular access from Bennetts Yard.

3.3 Relevant Planning History

13326/APP/2008/2301 65 Belmont Road Uxbridge

Change of use to D1 (non- residential institution) for a service as part of a structured day care drug rehabilitation programme.

Decision: 12-11-2008 Approved

Comment on Relevant Planning History

Planning permission 13326/APP/2008/2301 dated 12 November 2008 approved an application to change the use of the premises from Class B1 (offices) to Class D1 (non-residential institution) for a service as part of a structured day care drug rehabilitation programme.

While the scheme was largely in accordance with Council policy, considerable concern had been raised at that time in relation to the potential for the use to result in adverse impacts. As such the permission was limited to a period of 1 year (essentially a trial period expiring on 12 November 2009).

Condition 3 of that consent required that details of covered and secure cycle storage facilities be provided to and approved by the Council, and then the approved cycle storage be provided on site.

Condition 4 required that details of CCTV be provided to and approved by the Council, and then the approved CCTV be provided on site.

Condition 5 required that details of boundary treatment be provided to and approved by the Council, and then the approved boundary treatment be provided on site.

Condition 6 required that a risk assessment be undertaken identifying measures to ensure community safety is maintained, and that those measures be approved by the Council and the implemented at the site.

The details were submitted to and approved by the Council in details permission:13326/APP/2009/258 dated 9 February 2009.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.
- PT1.32 To encourage development for uses other than those providing local services to locate in places which are accessible by public transport.

Part 2 Policies:

- BE13 New development must harmonise with the existing street scene.
- BE19 New development must improve or complement the character of the area.
- R10 Proposals for new meeting halls and buildings for education, social, community and health services
- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- AM7 Consideration of traffic generated by proposed developments.
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway

	improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
OE1	Protection of the character and amenities of surrounding properties and the local area

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The application was advertised by site notice and 225 neighbours were consulted including the North Uxbridge Residents Association.

One letter was received in response to the consultation which raised the following concerns:

- i) The proximity of the site to a nursery and residences makes the use inappropriate in this location;
- ii) There are other locations which are not near young parents and children where this use could be located.

METROPOLITAN POLICE - UXBRIDGE POLICE STATION-CHIEF INSPECTOR HARTNETT

"The Police have run a number of searches, that cut across police databases of intelligence, calls and crime investigations and the findings are as follows for the period of 22.2.08 - 22.2.09 and 22.2.09 - 22.2.10.

The records show for the parameter of Belmont Road, there have been 300 entries for both periods. The conclusion is that there has been no change.

More specifically searching for 65 Belmont Road has required individual searches and without the benefit of specific dates it makes searching difficult.

- i) There are no intelligence reports regarding the premises or persons associated with it;
- ii) The local police team have not advised of any adverse community concerns;
- iii) There were no specific crime investigation reports during 2009.

The Police are aware of the information submitted by the Applicant in relation to incidents at the site and can confirm that there are no other incidents which have not been reported by the Applicant.

The premises is situated near to a transport hub, busy footfall route and the Town Centre which will inevitably result in police enforcement activity of some kind. In conclusion from a policing perspective the premises has not generated crime and disorder problems.

I can see no direct correlation between the activities undertaken at the site and crime. The search area includes Lancaster Road."

METROPOLITAN POLICE CRIME PREVENTION DESIGN ADVISOR

Further to the Police response in relation to the Belmont Road Drugs Rehab Centre, sent to you recently by Chief Inspector Maurice Hartnett, I would like to add the following:

I have spoken with Sergeant Tony Bennett and Sergeant Simon Ward, both of whom have had responsibility for the area in which 65 Belmont is located since the Centre opened. Both have stated that at no time during their tenure was this premises considered a specific policing problem.

I note that the Uxbridge Gazette published an article in August 2009, showing the Centre in a very positive light with local residents.

I have also spoken to Den Ponton, the owner/manager of the News Agents next door to the Centre, and who has also lived above the News Agents for the last 39 years. He was one of the residents who organised the original petition against the Centre opening at this location. He stated to me that now he knew how well the Centre was managed and run and that he no longer had any concerns about it being there. He further stated that he did not feel the Centre had been responsible for bringing any extra crime to the immediate locality.

All of the above coincides with my own original comments on the original application, that if the Centre was well managed, with CCTV installed, to assist in that management, there should not be any undue policing problems created as a result of it being there. I today reviewed the CCTV coverage and general security of the premises and consider it to still be adequate.

Internal Consultees

POLICY

The Unitary Development Plan Saved Policies (September 2007) does not contain policies protecting office uses within town centres or restricting Class D1 uses from locating within town centres.

Policy R10 of the Unitary Development Plan Saved Policies (September 2007) establishes the principle for community and health services subject to other policies in the Plan. This is echoed by London Plan Policy 3A.18 Protection and enhancement of social infrastructure and community facilities.

No objection is raised to the proposal.

HIGHWAYS

The site is located in an area with a high PTAL (5) and is easily accessible by public transport. Additionally, adequate onsite car and cycle parking are provided.

No objection is raised.

ACCESS OFFICER

Adequate access to the building is provided for disabled persons. Disabled toilet facilities inside the building comply with relevant requirements.

Given that no building works are proposed, it is not considered reasonable to require the Applicant to install a lift.

No objection is raised.

HEAD OF COMMUNITY SAFETY

We have not observed any problems with the property. Further, we believe that the service it is providing as a drug rehabilitation centre is contributing to helping former drug users lead crime free lives and therefore is an asset to the safety of the wider community.

PLANNING ENFORCEMENT

During the 12 month trial period, there has been no complaints made to the Council's Planning Enforcement team and the team has not had to take any action or have any involvement with this site.

Planning Enforcement have no objection to the proposal.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The London Borough of Hillingdon Unitary Development Plan Saved Policies (September 2007) does not contain policies protecting office uses within town centres or restricting Class D1 uses from locating within town centres.

Policy R10 of the Unitary Development Plan Saved Policies (September 2007) establishes the principle for community and health services subject to other policies in the Plan and is in accordance with London Plan Policy 3A.18 Protection and enhancement of social infrastructure and community facilities.

It is considered that the proposed use within Uxbridge Town Centre with its good public transport accessibility would contribute to the vitality and viability of the town centre by providing for a wider range of uses within it.

There is no objection in principle to the proposal.

7.02 Density of the proposed development

Not applicable in this case.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable in this case.

7.04 Airport safeguarding

Not applicable in this case.

7.05 Impact on the green belt

The site is not located in the Green Belt.

7.07 Impact on the character & appearance of the area

No changes are proposed to the building.

7.08 Impact on neighbours

The site is located in a mixed use area. As such, and given the previous use as a Class B1 office, it is not considered that the use of the property for purposes within Class D1 would result in any undue noise and disturbance to the occupiers of neighbouring residential properties.

However, in the event of planning permission being extended it is considered appropriate to impose a condition restricting the use of the building (other than by staff) to between the hours of 09.30 and 17.00 to avoid any disturbance to the occupiers of these properties during unsociable hours.

The Metropolitan Police advised that within the wider area around and near the site, there has not been an increase in calls to the Police or reported crimes. The advice from the Metropolitan Police was that they did not consider there to be a direct correlation between the use of the site and crime in the area.

Subject to a condition on any consent requiring the measures identified in the risk assessment and installed at the site as part of details permission:13326/APP/2009/258 dated 9 February 2009 being retained, no objection is raised.

7.09 Living conditions for future occupiers

The scheme is considered to provide adequately for future occupiers, including persons with disabilities.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

It is not considered that the use of the premises for Class D1 purposes would be likely to generate any more vehicular traffic to the site than the previous use of the premises as a Class B1 office.

The site is in close proximity to Uxbridge Underground and Bus Station and has a Public Transport accessibility Level (PTAL) score of 5 on a scale of 1 - 6 where 6 represents the highest level of accessibility. It is therefore very well served by modes of transport other than the private car.

The property has the benefit of 5 on-site car parking spaces at the rear which are available for staff and visitor parking. Onsite cycle storage is also provided in accordance with the Council's standards.

Subject to a condition on any consent requiring the cycle storage details installed at the site as part of details permission:13326/APP/2009/258 dated 9 February 2009 being retained, no objection is raised.

7.11 Urban design, access and security

With regard to urban design, no changes are proposed to the building. This application simply seeks permission to continue the use of the site.

The property has a tidy appearance with the rear yard screened by 1.8 metre high fencing preventing direct views into this area.

Subject to a condition on any consent requiring the boundary fence installed at the site as part of details permission:13326/APP/2009/258 being retained, no objection is raised.

Consequently, it is not considered that the use has had a detrimental impact on the character and appearance of the area.

Access is discussed below in section 7.12 of this report. In terms of security, the premises is fitted with CCTV. The Metropolitan Police have reviewed the security arrangements at the site (including CCTV) and have raised no concerns.

As discussed in section 7.08 of this report, advice from the Metropolitan Police is that they did not consider there to be a direct correlation between the use of the site and crime in the area.

Subject to a condition on any consent requiring the CCTV installed at the site as part of details permission:13326/APP/2009/258 dated 9 February 2009 being retained, no objection is raised.

7.12 Disabled access

Disabled access is provided into the building. Disabled toilets are provided at the ground floor level.

The application was referred to the Council Access Officer who has raised no objection to the scheme.

7.13 Provision of affordable & special needs housing

Not applicable in this case.

7.14 Trees, landscaping and Ecology

Not applicable in this case.

7.15 Sustainable waste management

The Council does not have any recommended waste standards for commercial units. Operators are required to determine their own requirements in terms of provision.

The site has been used as a place to undertake a structured day care drug rehabilitation programme for a year, without resulting in any adverse impacts in terms of waste management. The Applicant has advised that waste storage and disposal arrangements are not proposed to change.

7.16 Renewable energy / Sustainability

Not applicable in this case.

7.17 Flooding or Drainage Issues

Not applicable in this case.

7.18 Noise or Air Quality Issues

Subject to a condition on any consent granted to limit hours of operation, no objection is raised.

7.19 Comments on Public Consultations

One objection was received which raised concern in relation to the proximity of the site to near by residences and a nursery.

A condition is recommended to limit hours of operation (and prevent noise from the use impacting on residential amenity).

The Metropolitan Police Crime Prevention Design Advisor referred to an article published in the Uxbridge Gazette on 24 August 2009. To understand the content of the article, the Planning Case Officer approached relevant staff at the Uxbridge Gazette who confirmed the authenticity of the article, which can be viewed on the Uxbridge Gazette's web site

<http://www.uxbridgegazette.co.uk/west-london-news/local-uxbridge-news/2009/08/24/drugs-rehab-centre-is-a-surprise-success-113046-24518497/>

and effectively notes that fears of regular police calls and increased break ins around the area have proved unfounded.

7.20 Planning obligations

Not applicable in this case.

7.21 Expediency of enforcement action

Not applicable in this case.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

10. CONCLUSION

The Council approved permission for the premises at 65 Belmont Road to be used for Class D1 (non residential institution) purposes (reference: 13326/APP/2008/2301 dated 12 November 2008).

The Class D1 use which was approved to be undertaken at the site use was a structured day care drug rehabilitation programme.

Condition 1 of that consent required that the use be discontinued on or before 12 November 2009.

The applicant now seeks planning permission to continue the use of the site as a place to undertake a structured day care drug rehabilitation programme.

The Council has not received any complaints in relation to the operation of the site over the previous 12 months period.

The Metropolitan Police and Council's Community Safety Manager have raised no objection to the continued use of the site as place to undertake a structured day care drug rehabilitation programme.

The application accords with Council policy and subject to conditions approval is recommended.

11. Reference Documents



Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Guidance Note 13 (Transport)
The London Plan (February 2008)
Hillingdon Unitary Development Plan Saved Policies (September 2007)
Hillingdon Design and Accessibility Statement - Accessible Hillingdon
Supplementary Planning Guidance: Community Safety By Design

Contact Officer: Matthew Duigan

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<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2009</p>	<p>Site Address</p> <p>65 Belmont Road Uxbridge</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Planning & Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p>13326/APP/2009/1876</p>	<p>Scale</p> <p>1:1,250</p>	 <p>HILLINGDON LONDON</p>
	<p>Planning Committee</p> <p>Central and South</p>	<p>Date</p> <p>February 2010</p>	